

son, Hayes and Stevenson, of El Paso, have been appointed upon said committee on the part of the House.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

On motion of Senator Townsend, Senate bill No. 271, a bill to be entitled "An act to amend section 1, chapter 31, of an act entitled an act to regulate the sale of spirituous, vinuous or malt liquors or medicated bitters, to fix the rate of occupation tax upon all persons, firms or associations of persons engaged in the sale of spirituous, vinuous or malt liquors or medicated bitters, to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1888."

Was made the special order for next Friday, and to be continued from day to day until disposed of.

The President submitted to the Senate the following communication from the Governor:

EXECUTIVE OFFICE,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, Lieutenant-Governor and President the Senate:*

DEAR SIR—The Governor requests that you will kindly announce to the Senate and its officers his desire to meet them and their ladies at a reception which Mrs. Ross and himself tender them at the mansion on Thursday evening, February 21, from 8 to 12 p. m.

Very respectfully,  
H. M. HOLMES,  
Private Secretary.

On motion of Senator Pope,  
The invitation was accepted.

On motion of Senator Jarvis,  
The Senate adjourned till to-morrow morning, 10 o'clock.

### THIRTY-SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, February 21, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Stephens,

The reading of the Journal of yesterday was dispensed with.

### PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition of citizens of Haskell and Knox counties, asking the passage of a law validating the sales made by the State Land Board.

Referred to Committee on Public Lands.

Petition of citizens of Montague county, favoring county school superintendents.

Referred to Committee on Education.

By Senator Jarvis:

Petition of citizens of Fort Worth, against the regulation of telephones by the city.

Referred to Committee on Internal Improvements.

By Senator McDonald:

Petition of citizens of Fannin county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of citizens of Lamar county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Field:

Communication of citizens of Brazos county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Sims:

Petition of grangers of San Saba county, for certain legislation mentioned in the petition.

Referred to Committees on Internal Improvements and Roads and Bridges.

By Senator Tyler:

Petition of volunteer firemen of Cleburne, Belleville and El Paso, asking exemption from jury duty.

Ordered to lie on table.

By Senator Kimbrough:

Petition of citizens of Terrell, Kaufman county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Pope:

Three petitions from citizens of Harrison, in opposition to a railroad commission.

Referred to Committee on Internal Improvements.

By Lieutenant-Governor Wheeler:  
A communication from J. J. Dawson, requesting the passage of "An act requiring owners of land to leave the lines of their surveys open for roads, etc."

Referred to the Committee on State Affairs.

#### REPORTS OF STANDING COMMITTEES.

By Senator Burges:

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Public Lands, to whom was referred

Senate bill No. 167, entitled "An act to provide for setting apart the excess in surveys of land made for railway or internal improvements or other purposes, and declaring the same to be a part of the public free school lands of the State, and to provide for setting apart the same for the use of the public free schools of the State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following committee amendment to be inserted at the end of section 2:

"Provided, that the person who has already purchased, or who may hereafter purchase from the State, the particular section to which such surplus shall by such resurvey be made contiguous, shall have the prior right for the period of six months after such resurvey shall have been made in which to purchase such excess on the same terms on which such purchaser has already bought or may buy."

All of which is respectfully submitted.

BURGES,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Public Lands, to whom was referred

Senate bill No. 97, entitled "An act declaring all lands in the county of Greer to be part of the vacant and unappropriated public domain of the State of Texas, and setting apart the

same for settlement by actual settlers only, under the homestead donation laws of the State, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do lie upon the table, as a bill has been reported favorably embracing this same subject.

All of which is respectfully submitted.

BURGES,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Public Lands, to whom was referred

Senate bill No. 169, entitled "An act to be entitled an act to provide for the survey, classification and disposition of lands embraced in chapter 19 of the general laws of the Sixteenth Legislature, approved February 25, 1879,"

Have had the same under consideration, and instruct me to report the accompanying substitute back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURGES,  
Chairman.

Bill read first time with substitute.

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Public Lands, to whom was referred

Senate bill No. 89, entitled "An act to amend sections 5, 7, 8, 9, 11, 14, 15 and 21 of an act entitled an act to provide for the sale of all land heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

BURGES,  
Chairman.

Bill read first time. ✓

Senator Stephens sent up the following minority report:

COMMITTEE ROOM,  
AUSTIN, February 19, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

A minority of your Committee on Public Lands, to whom was referred Senate bill No. 89, entitled "An act to amend sections 5, 7, 8, 9, 11, 14, 15 and 21, of an act entitled an act to provide for the sale of all land heretofore or hereafter surveyed and set apart for the benefit of the public free school funds, etc., approved April 1, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, and we beg leave to dissent from the report of the majority for the following reasons, viz:

First. The present land law is wrong in this, the price placed thereon of two dollars per acre is too high, and prevents the settlement of that portion of the State where such lands are situated. It is well known that private lands and county school lands adjoining the State school lands can be bought for prices ranging from one dollar to one dollar and fifty cents per acre, and that the public land of the United States in New Mexico lying adjacent to Western Texas (where the great body of our school lands are situated) can be had at one dollar and twenty-five cents per acre. We therefore submit that the State cannot hope to sell her lands at two dollars per acre.

Second. We further submit that any person applying to purchase any school land should have three months from the date of his application to purchase, to become an actual settler thereon. The law now requires an actual settlement before any person can apply to purchase the land. This provision of the present law prevents any man from going into the west and selecting and securing for himself a home from the school land, for the reason that he would have to return to his former home and prepare to move on the school land, and during his absence he would have no assurance that he would not find some other person occupying the land he had selected. We submit that no prudent man would leave his home until he had secured another and that the present law prevents the sale of the State School Land.

Third. We believe that this bill should become a law for the reason that the provision therein giving the first settler on each section one hundred and sixty acres of land at one dollar and twenty-five cents per acre would in a short time place a settler on every agricultural section in the State, and at the same time greatly enhance the value of the remaining part of such section.

Fourth. We believe that if this bill become the law that the western portion of this State would settle up very rapidly, and that the increased value of taxable property, together with the proposed price of school land would yield a greater revenue to the State School fund than the difference in the price of the land under the existing and the proposed law.

Fifth. We believe that it is to the best interest of the State that the western portion thereof should be settled as rapidly as possible, and we know that it will not settle while the State holds her lands so far above its actual value.

Sixth. We do not believe that the State of Texas can afford to assess the poor and humble home-seekers in her border, by requiring them to pay from fifty to seventy-five cents more per acre than her land is worth, and at the same time forfeit their homes and improvements after they have purchased and improved it if they fail to pay their interest on the day it is due.

7 We believe that the present law is unjust and oppressive in the extreme by absolutely forfeiting to the State all land and implements thereon for a failure to pay interest thereon on the day it is due, and we believe that any purchaser should have a reasonable time to redeem said land after the payments fall due. We believe that this provision of the present law deters many provident men from purchasing school land.

We therefore respectfully beg leave to dissent from the report of the majority of this committee and ask the Senate to pass this bill.

All of which is respectfully submitted.

STEPHENS,  
SIMS.

Except section 3.

I join in the above minority report, not that I endorse the bill in all its details, but believe there are some wholesome features in it and with proper amendments to it our present general land laws can be materially and beneficially improved, and

the funds to which our public lands belong greatly enhanced and the western portion of our State settled.

FRANK.

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Public Lands, to whom was referred

Senate bill No. 226, entitled "An act to be entitled an act to provide for the location and survey of genuine land claims within the county of Greer, and confirm all locations and surveys of genuine land claims heretofore made within said county, and to provide for the issuance of patents upon all surveys made in accordance therewith;" also

Substitute offered in committee for said Senate bill No. 226,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that they do not pass.

These bills set aside one-half of Greer county to the public free school fund, and the other half to homestead pre-emptions and the location of veteran and railroad certificates.

All of which is respectfully submitted.

BURGES,  
Chairman.

Bill read first time.

By Senator Jarvis:

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Finance, to whom was referred

Senate bill No. 83, entitled "An act making an appropriation for the support and maintenance of the house of correction and reformatory at Gatesville for the two years ending February 28, 1891,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do lie on the table, as another bill on this subject is now before the Senate.

All of which is respectfully submitted.

JARVIS,  
Chairman.

Bill read first time and ordered to lie on the table.

COMMITTEE ROOM,  
AUSTIN, February, 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Finance, to whom was referred

Senate bill No. 26, entitled "An act to authorize counties to fund their indebtedness, and to provide means to pay the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS,  
Chairman.

Bill read first time.

By Senator McDonald.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 297, entitled "An act to authorize the county commissioners' court of Hidalgo county to issue bonds for the protection of the court house and jail, and other property, from further erosions of the Rio Grande river, and to levy a tax to pay the interest and principal thereof,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[Provisions of the bill set forth in the title.]

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

By Senator Allen:

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Federal Relations, to whom was referred

Senate concurrent resolution No. 11, requesting members of Congress from the State of Texas to oppose the passage of the Blair bill pending in Congress of the United States,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ALLEN,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Federal Relations, to whom was referred

Senate concurrent resolution No. 10, "Requesting members of Congress from the State of Texas to urge upon the proper department of the general government the necessity of a separate marine district on the Texas Gulf coast and the early establishment of the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ALLEN,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Federal Relations, to whom was referred

Senate concurrent resolution No. 8, "Requesting Senators and Representatives from Texas, in Congress, to secure the passage of joint resolution appointing a board of three engineer officers of the United States to make examination of northwest coast of Gulf of Mexico, for the purpose of selecting most suitable location for deep water harbor, and to secure a permanent appropriation therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ALLEN,  
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on State Affairs, to whom was referred

House bill No. 236, entitled "An act to protect hotel and boarding house keepers,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,  
Chairman.

Bill read first time

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 162, being "An act to amend section 1 of an act entitled an act to protect mechanics, laborers and operatives on railroads against failure of owners, contractors and sub-contractors or agents to pay their wages when due, and provide a lien for such wages, approved February 18, 1879, and as amended by the Twentieth Legislature, chapter 25, page 17, approved March 10, 1887,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 260, being "An act to amend section 26, chapter 20, of the called session of the Eighteenth Legislature, being an act to redistrict the State of Texas into judicial districts, and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said district,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 53, being "An act entitled an act to provide for the venue of suits for damages growing

out of attachment and sequestration suits, approved March 25, 1887,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill and House bill No. 33, being "An act to add articles 689 and 689a to chapter 3, title 17, of the Penal Code of the State of Texas,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 173, being, "An act to amend section 4 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78, of the Revised Civil Statutes as refer to public free schools outside of incorporated cities and towns, assuming, or having assumed, control of their public free schools, and all laws and parts of laws in conflict with this act, passed by Senate January 30, 1884,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 255, entitled "An act to prevent the opening up of public roads across lands owned and used and for actual use by State educational, eleemosynary or other public State institutions without the consent of the State, and to close roads heretofore opened across such grounds whenever the State deems it necessary,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 230, being "An act to amend article 423 of chapter 5, title 13, of the Penal Code, as amended by the general laws of the Seventeenth Legislature,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 157, being "An act to amend sections 5 and 6, chapter 105, of an act to create a bureau of agriculture for the State of Texas, and attach it to the department of Insurance, Statistics and History, approved April 1, 1887,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 62, being "An act to amend sections 1, 5 and 15 of an act entitled an act to create a commission of arbitration and award, and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof, approved March 30, 1887,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

By Senator Tyler:

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills

have carefully examined and compared

Senate bill No. 80, being "An act to repeal an act to provide for the election of a district attorney in the Eighteenth judicial district of the State of Texas, approved March 15, 1887,"

And find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his signature.

TYLER,  
Acting Chairman.

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 68, being "An act to be entitled an act to amend articles 1006 and 1008 of an act passed by the Twentieth Legislature, approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 26, 1885, entitled an act to amend articles 1006, 1007 and 1008, of an act entitled an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883,"

And find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his signature.

TYLER,  
Acting Chairman.

COMMITTEE ROOM,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 184, being "An act to fix the times of holding the district court in the Twenty-seventh judicial district of the State of Texas, and to provide for the issuance and return of process therein, and to repeal all laws in conflict with this act,"

And find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his signature.

TYLER,  
Acting Chairman.

## BILLS AND RESOLUTIONS.

By Senator Woodward:

An act "To amend article 4463 of the Revised Statutes."

[Providing that the superintendents of the Lunatic, Blind and Deaf and Dumb Asylums shall each receive an annual salary of twenty-five hundred dollars, and that the State shall furnish them and their families with suitable quarters, but they shall be furnished with nothing else.]

Referred to Committee on State Asylums.

By Senator Kimbrough:

A bill to be entitled "An act to amend article 2401 of chapter 3, title 42, of the Revised Civil Statutes."

[Provides that for services performed by constables in business connected with the district and county courts, they shall receive the same fees allowed sheriffs for the same services, and for all services performed by sheriffs in business connected with the justices courts they shall receive the same fees allowed constables for like services.]

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to amend article 735 of chapter 11, title 17 of the Penal Code."

[Provides that theft of property of the value of fifty dollars or over shall be punished by confinement in the penitentiary not less than two nor more than ten years.]

Referred to Judiciary Committee No. 2.

By Senator Johnson, by request:

A bill to be entitled "An act to amend article 3249, of chapter 2, and articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327 and 3329, of chapter 4, militia law, Revised Statutes of Texas, and to repeal articles 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, of said chapter, militia law."

Referred to Committee on Military Affairs.

By Senator Atlee:

A bill to be entitled "An act for the relief of all counties in which the non-taxable lands of the International and Great Northern railroad company, granted by the State and exempted from taxation for twenty-five years, are located, and to reimburse such counties for all taxes which would have accrued, or may hereafter accrue, to said counties had said lands been taxable under the law as other property."



Referred to Committee on Finance.

By Senator Lane:

*Resolved*, That all bills on third reading shall be considered immediately after the morning call, and shall take precedence of special orders.

Ordered to lie over one day.

The President appointed Senators Johnson, Kimbrough and Pope on the part of the Senate on the committee to visit the quarantine stations.

The President, after having publicly read their titles, gave notice of signing and did sign in open session of the Senate, the following Senate bills, to-wit:

Senate bill No. 80, a bill to be entitled "An act to repeal an act to provide for the election of a district attorney in the Eighteenth judicial district of the State of Texas, approved March 15, 1887."

Senate bill No. 184, a bill to be entitled "An act to fix the times of holding the district court in the Twenty-seventh judicial district of the State of Texas, and to provide for the issuance and return of process therein and to repeal all laws in conflict with this act,"

And

Senate bill No. 68, a bill to be entitled "An act to amend articles 1006 and 1008 of an act passed by the Twentieth Legislature, approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 26, 1885, entitled an act to amend articles 1006, 1007 and 1008, of the Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883."

On motion of Senator Woodward,

Senate bill No. 105, a bill to be entitled "An act to add section 9a to chapter 76, acts of 1879, entitled "An act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats," was recommitted to the Committee on Counties and County Boundaries.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the

Senate that the House has passed Senate joint resolution No. 12, authorizing the Attorney-General to bring suit for the State for the violation of the State's copyright to the Supreme Court and Court of Appeals reports, and to make an appropriation therefor," under a suspension of the constitutional rule, and by a two-thirds vote, there being yeas, 85; nays, none.

The House has adopted the report of the free conference committee on the differences between the two houses on

House bill No. 439, "An act to authorize the Governor to extend further time to the Capitol Furnishing Board, expert and engineer, provided for by an act of the special session of the Twentieth Legislature, approved May 17, 1888."

W. M. IMBODEN,  
Chief Clerk of the House.

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed

House bill No. 305, a bill to be entitled "An act to quiet land titles in the towns of Socorro, Ysleta and San Elizario" under a suspension of the constitutional rule and by a two-third vote, there being yeas, 72; nays, none, and

House bill No. 242, a bill to be entitled "An act to attach Buchell and Foley counties to the county of Brewster for surveying purposes," and under suspension of the constitutional rule and by a two-third vote, there being yeas, 74; nays none, and also

House bill No. 7, a bill to be entitled "An act to amend sections 7, 14, 15, 23 and 33 of the charter of the city of Houston" under a suspension of the constitutional rule and by a two-third vote, there being yeas, 75; nays, 3.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed

Substitute House bills Nos. 6, 12, 25, 113, 182, 191 and 239, a bill to be entitled "An act to correct abuses and to prevent discriminations and extortions in the rates of freight and passenger tariff on the different railroads in this State, to prevent pooling and to estab-



lish reasonable maximum rates of charges for the transportation of freight and passengers on said railroads; to prohibit railroad companies, corporations, lessees and receivers in this State from charging other than just and reasonable rates, and to provide adequate penalties for the violation of this act, and to provide rules of procedure and rules of evidence in relation thereto, and to create a railway commission for the State, prescribing their duties and conferring upon it powers to enforce this act and all laws of this State in relation to railroads.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

The President referred bills as follows:

Substitute for House bills Nos. 6, 12, 25, 113, 182, 191 and 239 to the Committee on Internal Improvements.

House bill No. 242 to Committee on Public Lands.

House bill No. 7 to the Committee on State Affairs.

House bill No. 305 to Judiciary Committee No. 1.

Substitute for Senate bills Nos. 79 and 91, a bill to be entitled "An act amendatory of and supplementary to title LXXXVII, chapter 1, of the Revised Civil Statutes of the State of Texas, from article 4359 to 4390 inclusive, and the acts amendatory thereof passed at the called session of the Eighteenth Legislature, chapter XI, approved February 2, 1884, and chapter XIII, approved February 5, 1884, chapter XXIX, approved February 7, 1884, and acts of the Nineteenth Legislature, page 92, chapter 202, approved March 31, 1885, and to repeal all of chapter 5, title LXXXVII pertaining to roads and bridges, and to authorize the commissioners' court to levy a tax and issue bonds to repair and improve the public roads of their respective counties, and to create a sinking fund to pay the same, and to authorize the commissioners' court to order elections to ascertain if any county or subdivision thereof are willing to be taxed to improve and keep in repair their public roads, and to repeal all laws or parts of laws not therein excepted which are in conflict with this act,"

Was laid before the Senate as unfinished business, with

Senator Burney's pending amendment, as follows:

Amend article 4385 by striking out the words "having ten thousand inhabitants," in line 3, and

Senator Frank's pending substitute for the amendment, as follows:

Amend line 3 by striking out the word "ten" and insert the word "fifteen."

Senator Burney being absent, action on the amendment and the substitute was suspended.

Senator Glasscock moved to

Amend by inserting after the word "for," in line 14, the word "issuing;" and

Amend line 15 by inserting after the word "against" the word "issuing."

Adopted.

Senator Frank moved to

Amend in line 2, by striking out the word "one" and insert the word "five."

Senator Stephens moved to amend the amendment by striking out "five hundred" and insert in lieu thereof "two hundred."

Lost.

Senator Frank's amendment was adopted.

Senator Allen offered the following amendment:

In line 5, strike out the words "turnpike and mecademizing."

Lost.

Senator Frank's pending substitute for Senator Burney's amendment was adopted.

Senator Frank moved to amend article 4386, line 3, by striking out the word "thirty" and insert the word "sixty," and strike out the word "sixty" before the word "days" and insert the word "ninety,"

Adopted.

Senator Johnson moved to

Amend article 4386 by striking out after the word "county," in line 2, down to and including the word "order," in line 4, and insert in lieu thereof "on the first Tuesday in August."

Senator Kimbrough moved to table the amendment.

Lost.

Senator Kimbrough offered the following amendment to the amendment:

Strike out "first Tuesday in August" and insert "first Tuesday in December."

On motion of Senator Morris, the amendment to the amendment was tabled by the following vote:

YEAS—20.

Abercrombie,  
Allen,  
Armistead,  
Atlee,  
Burges,

Claiborne,  
Cranford,  
Harrison,  
Ingram,  
Jarvis,

Johnson,  
Maetze,  
McDonald,  
Morris,  
Pope,

Sims,  
Stephens,  
Tyler,  
Upshaw,  
Woodward.

NAYS—8.

Burney,  
Feild,  
Frank,  
Glasscock,

Kimbrough,  
Lane,  
Simkins,  
Townsend.

ABSENT—1.

Davis.

Senator Sims moved to  
Amend article 4285 by adding there-  
to, after the word "given" in line 20,  
page 12, as follows:

"Provided, that the following coun-  
ties be and they are hereby exempt  
from the provisions of this article, to-  
wit: San Saba, Brown, Comanche,  
Eastland, Shackelford, Stephens, Cal-  
lahan, Coleman, McCulloch, Concho,  
Runnels, Taylor, Jones, Fisher, Nolan,  
Mitchell, Scurry, Boardman, Howard,  
Martin, Davidson, Gaines and An-  
drews."

On motion of Senator Burges,  
Further consideration of the bill and  
the amendments was postponed until  
next Thursday.

Senator Glasscock asked to take  
up

Senate bill No. 92, and Senator Pope  
moved to postpone that bill also until  
next Thursday.

Adopted.

Senator McDonald moved to con-  
sider

Senate bill No. 249 with Senate bill  
No. 92 next Thursday.

Adopted.

On motion of Senator Pope,  
Senate bill No. 208, a bill to be en-  
titled "An act to require all railroad  
companies to keep and maintain per-  
manently their general offices within  
the State of Texas, at certain places,  
and to keep all books, accounts, etc., at  
said offices, and to provide penalties  
for failing to comply therewith,"

Was made the special order for to-  
morrow week, the first day of March.

On motion of Senator Johnson,  
Senate bill No. 5, the railroad com-  
mission bill, was made the special or-  
der for next Monday, and to be con-  
tinued from day to day until disposed  
of.

Senator Townsend asked to take up  
the bills on third reading,

And the President submitted

Senate bill No. 53, a bill to be en-

titled "An act to amend an act enti-  
tled an act to provide for the venue of  
suits for damages growing out of at-  
tachments and sequestration suits, ap-  
proved March 25, 1887."

The bill was read the third time and  
passed.

Senate bill No. 157, a bill to be en-  
titled "An act to amend sections 5 and  
6, chapter 105, of an act to create a  
bureau of agriculture for the State of  
Texas, and attach it to the Depart-  
ment of Insurance, Statistics and His-  
tory, approved April 1, 1887," was  
taken up and read the third time.

The bill was passed by the following  
vote:

YEAS—23.

Abercrombie,  
Allen,  
Armistead,  
Atlee,  
Burges,  
Burney,  
Claiborne,  
Cranford,  
Field,  
Frank,  
Harrison,  
Ingram,

Jarvis,  
Kimbrough,  
Lane,  
Maetze,  
McDonald,  
Morris,  
Pope,  
Stephens,  
Townsend,  
Tyler,  
Upshaw.

NAYS—None.

NAYS—6.

Davis,  
Glasscock,  
Johnson,

Simkins,  
Sims,  
Woodward.

House bill No. 162, a bill to be en-  
titled "An act to amend section 1 of an  
act entitled an act to protect mechan-  
ics, laborers and operatives on rail-  
roads against the failure of owners,  
contractors and sub contractors  
or agents to pay their wages  
when due, and provide a lien  
for such wages, approved February 18,  
1879, and as amended by the Twentieth  
Legislature, chapter 25, page 17, ap-  
proved March 10, 1887,"

Was taken up, read the third time  
and passed.

Senate bill No. 230, a bill to be en-  
titled "An act to amend article 423,  
of chapter 5, title 13, of the Penal  
Code as amended by the general laws  
of the Seventeenth Legislature,"

Was laid before the Senate and read  
the third time.

Senator Allen offered the following  
amendment:

In section 1 strike out all after the  
word "square," in line 12, down to the  
word "and," in line 16.

Lost.

Senator Glasscock moved to Amend the caption by adding thereto the following:

"As amended by the Seventeenth Legislature, page 28, and approved March 15, 1881."

Adopted unanimously.

The bill as amended was passed.

Senate bill No. 255, a bill to be entitled "An act to prevent the opening up of public roads across lands owned and used, or for actual use by State educational, eleemosynary or other public institutions, without the consent of the State, and to close roads heretofore opened across such grounds whenever the State deems it necessary," was laid before the Senate and read the third time.

The bill was passed by the following vote:

YEAS—21.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Clalborne,	Pope,
Cranford,	Townsend,
Field,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—6.

Burney,	Morris,
Frank,	Sims,
Glasscock,	Stephens.

ABSENT—2.

Davis,	Simpkins.
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Substitute House bill No. 21, a bill to be entitled "An act to make valid and to confirm certain contracts of sale made by the Land Board of the State of Texas, made with divers persons, for the sale of certain of the free school and Asylum lands of the State of Texas, sold under the act of the Legislature of the State of Texas, approved April 12, 1883,"

Was laid before the Senate and read the third time.

Senator Harrison moved to

Amend by adding to the end of section 1 of the bill as amended the following: Provided further that nothing herein contained shall be so construed as to permit any one person to have his title validated to more than one section of agricultural land, and three sections of grazing lands under

this act whether he be original purchaser or assignee.

On motion of Senator Morris,  
The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-SEVENTH DAY.

SENATE CHAMBER,  
AUSTIN, February 22, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woodward,  
The reading of the Journal of yesterday was dispensed with.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed Senate bill No. 277, a bill to be entitled "An act setting apart the 22d day of February of each year as Arbor Day, and to encourage the planting of trees in this State,"

Under a suspension of the constitutional rule, and by a two thirds vote, there being 87 yeas and 4 nays.

Messrs. Faubion, Swinford and Middlebrook have been appointed the committee on the part of the House to visit the institutions of learning.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

After having publicly read their titles, the President gave notice of signing, and did sign in open session of the Senate,

Senate bill No. 277, a bill to be entitled "An act setting apart the twenty-second day of February of each year as Arbor Day, and to encourage the planting of trees in this State," and

Senate joint resolution No. 12, authorizing the Attorney-General to bring suit for the State for the violation of the State's copyright to the Supreme Court and Court of Appeals reports, and to make an appropriation therefor."

PETITIONS AND MEMORIALS.

By Senator Kimbrough: